

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

MATTHEW JONES, #26259

PETITIONER

VS.

CIVIL ACTION NO. 3:05-CV-600BS

RONALD W. KING AND JIM HOOD,
Attorney General

RESPONDENTS

OPINION AND ORDER

This cause is before the Court on Petitioner Matthew Jones' Objection to Report and Recommendation of United States Magistrate Judge ("Objections"). The Court has considered the Objections and all other relevant pleadings, and finds that the Objections should be denied.

This case arises out of Jones' conviction and sentence by the Circuit Court of Lincoln County, Mississippi, for the crimes of unlawful delivery of cocaine and possession of cocaine. After exhausting his state court remedies, Jones filed the subject Petition for Writ of Habeas Corpus (hereinafter "Petition") with this Court. On December 20, 2005, Respondents filed a Motion to Dismiss Pursuant to § 2244(d), which was amended on May 9, 2006. After considering the Amended Motion to Dismiss, Magistrate Judge James C. Sumner rendered a Report and Recommendation (hereinafter "R and R") on May 18, 2006. The R and R was filed with the Clerk of the Court on the same day under docket entry no. 16. In the R

and R, Judge Sumner found that Jones failed to comply with the one year statute of limitation found in 28 U.S.C. § 2244(d). Accordingly, Judge Sumner recommended the dismissal of Jones' case. Through the subject Objections, which were filed with the Clerk of the Court on June 2, 2006, Jones argues that the conclusions reached by Judge Sumner in the R and R were erroneous. The Objections are now ripe for consideration.

Under Federal Rule of Civil Procedure 72(a), a district judge has the authority to review a magistrate judge's order. Upon the filing of an objection to the magistrate judge's order, the district judge must review the order *de novo*. Koetting v. Thompson, 995 F.2d 37, 40 (5th Cir. 1993) (citation omitted); 28 U.S.C. § 636(b). If the contents of the order are found to be clearly erroneous or contrary to the law, the order may be modified or set aside. Fed. R. Civ. P. 72(a).

After reviewing all relevant data, the Court finds that the conclusions reached by Judge Sumner in the R and R were neither clearly erroneous nor contrary to the law. Therefore, the R and R should be adopted and Jones' Objections should be denied. These findings further require the dismissal, with prejudice, of Jones' Petition.

IT IS THEREFORE ORDERED that the Report and Recommendation of Magistrate Judge (docket entry no. 16) is hereby adopted.

IT IS FURTHER ORDERED that Petitioner Jones' Objections to Report and Recommendation of United States Magistrate Judge (docket entry no. 18) are hereby denied.

IT IS FURTHER ORDERED that Jones' Petition for Writ of Habeas Corpus is hereby dismissed, with prejudice. A Final Judgment will be entered.

SO ORDERED this the 22nd day of June, 2006.

s/ William H. Barbour, Jr.
UNITED STATES DISTRICT JUDGE

blj